

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HADIYAH CHARLES,

Plaintiff,

NOTICE OF MOTION

-against-

THE CITY OF NEW YORK, et. al.,

12 CV 6180 (SLT)(SMG)

Defendants.

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PLEASE TAKE NOTICE that that upon the Declaration of Mark D. Zuckerman, dated July 18, 2014, the Declaration of Anthony Famighetti, dated July 17, 2014, defendants' Local Rule 56.1 Statement, dated July 19, 2014, defendants' Memorandum of Law dated July 18, 2014; and upon all prior pleadings and proceedings had herein, defendants Raymond Williams, Pamela Benites and Anthony Famighetti, will move this Court, before the Honorable Sandra L. Townes, United States District Judge, at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza, Brooklyn, New York 11201, at a date and time to be determined, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment and the dismissal of plaintiff's Amended Complaint against them, for spoliation sanctions as a result of plaintiff's destruction of the video that she took of the subject incident and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, plaintiff is to serve her opposition papers on the undersigned on or before August 8, 2014; and

PLEASE TAKE FURTHER NOTICE that the moving defendants are to serve their reply papers on or before August 15, 2014.

Dated: New York, New York
July 18, 2014

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendants Williams, Famighetti and
Benites
100 Church Street, Room 3-133B
New York, New York 10007
(212) 356-3519

By: /s/
Mark D. Zuckerman
Senior Counsel